

REMARKS

In the Advisory Action of June 12, 2009, the Examiner makes certain remarks under **Response to Arguments**. Applicants would like to offer responsive remarks on a selective basis as follows.

At page 2 of the Advisory Action, lines 15-16, the Examiner states:

“[A]s cited by Applicant, ‘438 [speaking of U.S. Patent 5,925,438 Ota et al] teaches that the method of formation of both layers can be the same.”

The Examiner continues and reasons that for the method of formation of both layers to be the same, the materials used must be the same (else the same method is not being followed).

Applicants must respectfully disagree.

A method typically comprises steps. For example, a method of treating metal might involve melting alloying elements; casting the same in a mold; cooling; releasing from the mold.

Different metals could be used and the method would be the same. The materials treated would be different.

It is believed that the Examiner has taken too ritualistic an approach in interpreting the language in ‘438, and the Examiner is requested to reconsider his position.

In more detail, even if the Examiner is correct that “the method of formation of both layers can be the same”, the materials used in the hard coat layer and the materials used in the low-refractive-index layer must be different. Otherwise, the refractive indices could not be distinguished between the two layers.

Referring now to page 2, lines 18-19 of the Advisory Action, the Examiner states:

“If the materials are the same and the steps of using the materials are the same, **the end result must be the same.**”

However, this is contrary to the total disclosure in ‘438 (bolding is added).

Specifically, see the disclosure in ‘438 at the following points:

“**The refractive index of the hard coat layer** containing the above-described components is, in general, approximately **1.49 to 1.51**...[it is preferable] to increase the refractive index of the hard coat layer to approximately 1.50 to 2.30.”

The above disclosure occurs in ‘438 at col. 4, lines 27-29 and lines 32-34.

As opposed to the refractive index of the hard coat layer, see ‘438 at col. 5, lines 10-14 where the following disclosure occurs:

“By forming, on the surface of the above-described hard coat layer 1, **the low-refractive-index layer 2** which is a SiO₂ gel film **having a refractive index of 1.38 to 1.46** by the use of a SiO₂ sol, an antireflection film of the present invention as shown in Fig. 1 can be obtained.”

Simply stated, **the end result, i.e., the refractive index, is not the same.** It is much higher for the hard coat layer than for the low-refractive-index layer.

In the Advisory Action at page 3, lines 1-4, the Examiner addressed Applicants’ third argument that the prior art does not recognize the relationship between the organic solvent and the solids content, and thus cannot render the present invention obvious.

The Examiner takes the position that Applicants’ invention merely involves the “discovery of a previously unappreciated property of a prior art composition”.

Applicants believe that the Examiner again misapprehends the present invention.

A careful review of '438 shows that '438 uses only methyl ethyl ketone (MEK) as a solvent in the Examples of '438. See col. 11, lines 49-50, (solution A in Example A1);

col. 12, lines 62 and 63;

col. 13, line 27;

col. 14; line 33;

col. 15, line 60;

col. 16, lines 53;

and col. 18, line 31.

'438 is silent about the content of the organic solvent and the solids in the coating solution.

In distinction, the present invention has the highly advantageous effect of providing a refractive index of 1.10 to 1.29, a factor not disclosed in '438.

Applicants respectfully submit that the present claims are in no fashion anticipated or rendered obvious by '438 alone or in view of '517 (U.S. Patent 5,639,517 Floch et al).

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

REMARKS TO ACCOMPANY RCE
AND AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/591,999

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